

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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MARY DELANEY,

Plaintiff-Appellant,

v

MICHIGAN STATE UNIVERSITY,

Defendant-Appellee.

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UNPUBLISHED

March 16, 1999

No. 202391

Court of Claims

LC No. 95-015982 CM

Before: Griffin, P.J., and McDonald and White, JJ.

WHITE, J. (concurring).

I agree with the majority that on the present record, there is a genuine issue of material fact regarding whether the activity in question at the Kellogg Center was conducted primarily for the purpose of producing a pecuniary profit so as to fall within the proprietary function exception to governmental immunity. I also agree that the building defect issue was abandoned.

/s/ Helene N. White